

Message

**From:** Koch, Erin [Koch.Erin@epa.gov]  
**Sent:** 9/7/2022 12:48:00 PM  
**To:** Orrock, James [Orrock.James@epa.gov]; Nguyen, Khue [Nguyen.Khue@epa.gov]; Payne, Allison [Payne.Allison@epa.gov]; Weissenborn, Lauren [Weissenborn.Lauren@epa.gov]; Reaves, Elissa [Reaves.Elissa@epa.gov]; Britton, Cathryn [Britton.Cathryn@epa.gov]; Giles-Parker, Cynthia [Giles-Parker.Cynthia@epa.gov]  
**Subject:** RE: CFS litigation update

James,

# Ex. 5 DPP, ACP, AWP

Thanks,  
Erin

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**From:** Orrock, James <Orrock.James@epa.gov>  
**Sent:** Wednesday, September 07, 2022 7:46 AM  
**To:** Nguyen, Khue <Nguyen.Khue@epa.gov>; Payne, Allison <Payne.Allison@epa.gov>; Weissenborn, Lauren <Weissenborn.Lauren@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>; Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>  
**Cc:** Koch, Erin <Koch.Erin@epa.gov>  
**Subject:** RE: CFS litigation update

Hello, Everyone,

While I was working on the draft FR for the difenoconazole new uses, I did need to address 1,2,4 metabolites. We were pointing back to a 2022 HED risk assessment, which points back to a 2006 HED risk assessment (both attached in this e-mail).

In the 2006 risk assessment, this is what it says:

...nitrogen atoms at the 1, 2, and 4 positions. In 2000, the Agency delayed granting registration of any new triazole pesticides or new uses of already registered triazole pesticides pending resolution of a number of toxicological, occupational/residential, and dietary exposure concerns, and issued data call ins for a number of studies. At this time sufficient data are available to support a risk assessment for these metabolites. Based on the toxicological information available at this time, HED has conducted two assessments: one for 1,2,4-triazole (1,2,4-T) and one for combined exposure to triazole alanine (TA) and triazole acetic acid (TAA). Both assessments are highly conservative, screening-level evaluations in terms of the hazards associated with these

Bonnie may be worth contacting to see if she knows more in HED?

**James Orrock, Ph.D.**

Pronouns (He/Him/His)

Plant Pathologist

Fungicide Branch | Registration Division

U.S. EPA | Office of Pesticide Programs

(202) 566-2862

[orrock.james@epa.gov](mailto:orrock.james@epa.gov)

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**From:** Nguyen, Khue <Nguyen.Khue@epa.gov>  
**Sent:** Tuesday, September 6, 2022 6:31 PM  
**To:** Payne, Allison <Payne.Allison@epa.gov>; Weissenborn, Lauren <Weissenborn.Lauren@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>; Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>  
**Cc:** Orrock, James <Orrock.James@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>  
**Subject:** RE: CFS litigation update

Hi Allison,

# Ex. 5 DPP, ACP, AWP

Thanks,

Khue Nguyen  
Team Leader  
Risk Management and Implementation Branch 5  
Pesticide Reevaluation Division  
Office of Pesticide Programs, US EPA  
202-566-2356

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**From:** Payne, Allison <Payne.Allison@epa.gov>  
**Sent:** Tuesday, September 6, 2022 5:00 PM  
**To:** Weissenborn, Lauren <Weissenborn.Lauren@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>; Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>  
**Cc:** Nguyen, Khue <Nguyen.Khue@epa.gov>; Orrock, James <Orrock.James@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>  
**Subject:** RE: CFS litigation update

Thanks, Lauren for getting back to me.

I also wanted to update the group on some of the follow up questions we got on label stamping. As of now, OGC's advice is for PRD to continue on with business as usual and not make any changes to label procedures. Our question about the status of labels was only to gather some information that might be used in a declaration to support our response.

We also have a follow up question we're hoping PRD can help us with. In CFS's brief, they argue that EPA violated FIFRA in issuing the ID despite never having received studies from a 2000 DCI "regarding the impact of 1,2,3-triazoles, a metabolite of difenoconazole and other triazole fungicides on developmental and reproductive health" (Attach. 3, p. 5; p. 197 of brief). We're hoping we can find out what happened with the DCI and whether there may have been change in position on whether we needed those data for registration review.

I'm attaching the brief for reference – the argument about the DCI starts on page 24. Let me know if you have any follow up questions and thanks in advance!

Allison Payne

Pesticides and Toxic Substances Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-8501  
(she/her/hers)

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**From:** Weissenborn, Lauren <[Weissenborn.Lauren@epa.gov](mailto:Weissenborn.Lauren@epa.gov)>  
**Sent:** Thursday, September 1, 2022 3:46 PM  
**To:** Payne, Allison <[Payne.Allison@epa.gov](mailto:Payne.Allison@epa.gov)>; Reaves, Elissa <[Reaves.Elissa@epa.gov](mailto:Reaves.Elissa@epa.gov)>; Britton, Cathryn <[Britton.Cathryn@epa.gov](mailto:Britton.Cathryn@epa.gov)>  
**Cc:** Nguyen, Khue <[Nguyen.Khue@epa.gov](mailto:Nguyen.Khue@epa.gov)>; Orrock, James <[Orrock.James@epa.gov](mailto:Orrock.James@epa.gov)>; Koch, Erin <[Koch.Erin@epa.gov](mailto:Koch.Erin@epa.gov)>  
**Subject:** RE: CFS litigation update

Hi Allison:

In follow up from our discussion this am, Ex. 5 DPP, ACP, AWP  
labels have been stamped yet. Here is a little more detail from them:

"Per your request, I took a look at the status of the Difenconazole Labels I our database. There 44 labels in the database as of September 1, 2022. Most of them were received within the past two months.

One label was canceled (100-1441). Only two of them were sent to QC for review (100-1453 and 100-15290). None of them have been stamped."

Reminder that we had previously said that there are 83 expected labels, and 43 have been submitted, which is confirmed by the database pull.

Let me know if you have any additional questions.

Thank you!  
Lauren Weissenborn  
Chemical Review Manager | RMIBV  
Pesticide Re-Evaluation Division  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
[Weissenborn.lauren@epa.gov](mailto:Weissenborn.lauren@epa.gov)

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**From:** Payne, Allison <[Payne.Allison@epa.gov](mailto:Payne.Allison@epa.gov)>  
**Sent:** Thursday, September 1, 2022 9:03 AM  
**To:** Reaves, Elissa <[Reaves.Elissa@epa.gov](mailto:Reaves.Elissa@epa.gov)>; Britton, Cathryn <[Britton.Cathryn@epa.gov](mailto:Britton.Cathryn@epa.gov)>; Weissenborn, Lauren <[Weissenborn.Lauren@epa.gov](mailto:Weissenborn.Lauren@epa.gov)>  
**Cc:** Nguyen, Khue <[Nguyen.Khue@epa.gov](mailto:Nguyen.Khue@epa.gov)>; Orrock, James <[Orrock.James@epa.gov](mailto:Orrock.James@epa.gov)>; Koch, Erin <[Koch.Erin@epa.gov](mailto:Koch.Erin@epa.gov)>  
**Subject:** CFS litigation update

Good morning all,

We have some quickly developing updates on the CFS litigation challenging the difenoconazole ID.

# Ex. 5 DPP, ACP, AWP

# **Ex. 5 DPP, ACP, AWP**

We'll keep you updated once we have a briefing schedule in place and have had the chance to digest CFS's motion. Thank you all in advance and please let me know if you have any questions in the meantime.

Allison Payne  
Pesticides and Toxic Substances Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-8501  
(she/her/hers)